

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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TIMOTHY DEROME PETTIES, ESQ.,

Plaintiff,

-against-

KISHA SMALLS, et. al.

Defendants.

20-CV-4350 (ALC)(SLC)

**ORDER ADOPTING
REPORT AND
RECOMMENDATION**

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ANDREW L. CARTER, JR., District Judge:

On June 5, 2020, *pro se* Plaintiff Timothy Petties commenced this action, alleging violations of his federal constitutional rights during his detention on Rikers Island (“Rikers”). ECF No. 1. Mr. Petties was detained on Rikers when he filed the Complaint and listed the North Infirmity Command Facility (the “North Infirmity”) as his address. *Id.* at 2. This matter was referred to United States Magistrate Judge Sarah L. Cave on November 4, 2021. ECF No. 32. The Court now considers the Report and Recommendation issued by Magistrate Judge Cave on November 22, 2022 dismissing Petitioner’s claims for failure to prosecute and failure to update his contact information. ECF No. 41. Despite multiple notices from the Court, Plaintiff has not updated his address, and has not prosecuted the case. As noted in Judge Cave’s Report and Recommendation, “Mr. Petties has not communicated with the Court at all since filing his Amended Complaint on August 20, 2020 – more than two years ago.” *See Id.* at 5; ECF No. 7.

Further, despite notification of the right to object to the Report and Recommendation, Plaintiff has filed no objections. Where no timely objections are made, the Court may adopt the

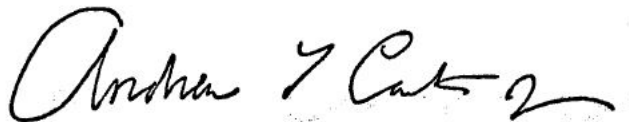
Report and Recommendation as long as there is no clear error on the face of the record. *Sacks v. Gandhi Eng'g, Inc.*, 999 F. Supp. 2d 629, 632 (S.D.N.Y. 2014) (citing *Wilds v. United Parcel Serv.*, 262 F.Supp.2d 163, 169 (S.D.N.Y. 2003)). In light of the lack of any objections to the Report and Recommendation and the fact that Court finds no clear error in the record, the Court adopts the Report and Recommendation in its entirety.

For the reasons stated in the Report and Recommendation at ECF No. 41, the Court dismisses this action without prejudice pursuant to Rule 41(b).

The Clerk of Court is respectfully directed to enter judgment and close the case. The Clerk of Court is also directed to mail a copy of this order to the Plaintiff at his last known address, as displayed on the Court's docket.

SO ORDERED.

Dated: New York, New York
February 15, 2023

A handwritten signature in black ink, reading "Andrew L. Carter, Jr.", with a stylized flourish at the end.

ANDREW L. CARTER, JR.
United States District Judge